

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LISA ALLEN and MISTY DALTON,</b>	)	
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	<b>15-cv-03053</b>
	)	
<b>GREATBANC TRUST COMPANY,</b>	)	<b>Hon. James Zagel</b>
<b>Defendant.</b>	)	

**DEFENDANT’S MOTION TO DISMISS PLAINTIFFS’ COMPLAINT**

Defendant GreatBanc Trust Company (“GreatBanc”) hereby moves to dismiss the claims asserted against it in the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this Motion, GreatBanc states:

1. The Complaint alleges two counts under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”) 29 U.S.C. § 1001 *et seq.*: a claim for breach of fiduciary duty under ERISA § 502(a)(2) and (3), 29 U.S.C. § 1132(a)(2) and (3) and a claim for violation of ERISA’s prohibited transaction rules pursuant to ERISA § 409, 29 U.S.C. § 1109.

2. The Complaint fails to allege sufficient facts to state any claim upon which relief can be granted in accordance with *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Fifth Third Bancorp v. Dudenhoeffer*, 134 S. Ct. 2459 (2014).

In support of this Motion, Defendant submits its accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss.

WHEREFORE, for the foregoing reasons, Defendant GreatBanc Trust Company respectfully requests that this Court dismiss Plaintiffs’ Complaint in its entirety for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully Submitted,

/s/ Julie A. Govreau  
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GREATBANC TRUST COMPANY

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on June 5, 2015, I caused a true and correct copy of the foregoing Motion to Dismiss to be filed electronically using the Court's CM/ECF system and to thereby be served upon on all registered participants identified in the Notice of Electronic Filing in this matter on this date.

Dated: June 5, 2015

/s/ Julie A. Govreau

Julie A. Govreau

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